

**TOWN OF FITZWILLIAM
PLANNING BOARD
RULES OF PROCEDURE**

*Amended July 19, 2005
Amended August 20, 2013*

AUTHORITY

1. These Rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, 1983, Chapter 676:1 and the Land Usage By-Laws and Map of the Town of Fitzwilliam, NH.

MEMBERSHIP

1. The Planning Board shall consist of seven (7) members, six (6) elected by the Town, and an ex-officio member appointed by the Selectmen.
2. Each Planning Board member shall be a resident of the Town of Fitzwilliam.
3. Any two appointed or elected members of the planning board may also serve together on any other municipal board or commission, except that no more than one member of the planning board shall serve on the conservation commission, the local governing body, or a local land use board as defined in RSA 672.7.

TRAINING

Within the first year of assuming office, a new member of a planning board may complete training offered by the office of energy and planning, per RSA 673:3-a.

TERMS OF BOARD MEMBERS

1. The term of the elected Board member shall be three (3) years. The initial terms of members first elected shall be staggered so that no more than three (3) elections occur annually, except when required to fill vacancies.
2. Filling Vacancies in Membership – Vacancies in the membership of the Board occurring other than through the expiration of a term of office shall be filled by appointment made by the remaining Board members. The term of the appointment expires at the next election. (RSA 673:12)

APPOINTMENT, NUMBER AND TERMS OF ALTERNATE MEMBERS

1. The Planning Board may appoint five (5) alternate members to the Board. The terms of the alternate members shall be three (3) years.
2. Every alternate member appointed to the Planning Board shall comply with the multiple membership requirements of RSA 673:7, I., as do regular members.

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OFFICERS and ADMINISTRATION

1. A Chairman shall be elected annually by a majority vote of the Board at the first meeting in April of each year. The Chairman shall preside over all meetings and hearings, appoint such committees as directed by the Board and shall affix his signature in the name of the Board.
2. A Vice-Chairman shall be elected annually by a majority vote of the Board at the first meeting in April. The Vice-Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters which come before the Board during the absence of the Chairman.
3. A Secretary shall be elected annually by a majority vote of the Board at the first meeting in April. The Secretary shall sign all subdivision plats with the Chair, and notices of decision in the absence of the Chair, for the Board. When necessary these functions may be handled by the Vice-Chairman.
4. Officers shall serve until elections are held the following April and shall be eligible for re-election.
5. The Land Use Administrative Assistant, a member of the staff who is not a member of the Planning Board, shall maintain a record of all meetings, transactions and decisions of the Board and perform such other duties as the Board may direct. The job description is in the *Personnel Policies and Procedures Manual, Town of Fitzwilliam*.
6. An ex-officio Board Member shall not serve as Chairman (RSA 673:9, II).
7. A temporary Chairman may be elected by the Board for a particular meeting.

MEETINGS

1. Regular Meetings shall be held at the Fitzwilliam Town Hall at 7:00 p.m. on the First and Third Tuesday of each month. The Chairman may cancel or postpone a meeting upon good cause. Other meetings may be held on call of the Chairman, Vice-Chairman or three (3) members, provided notice is given to each member and is (legally) posted in two (2) public places 24 hours before the meeting.

Public Hearings – Notice of a Public Hearing must be given at least 10 calendar days before the hearing not including the day of posting or the day of the Public Hearing. Notice of each hearing shall be published in a paper of general circulation in the town and shall be posted in at least two (2) public places.

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2. Quorum - A majority (4) of the members of the Planning Board shall constitute the quorum necessary to transact business at any meeting of the Board.
3. Designation of Alternate Members – Whenever a regular member of the Planning Board is absent or whenever a regular member becomes disqualified, the Chairman shall designate an alternate, if one is present, to act in the absent member's place.
4. Disqualification – If any member finds it necessary to disqualify him/herself from sitting in a particular case, as provided in RSA 673:14, the member shall notify the Chairman as soon as possible so that an Alternate may be requested to sit in his/her place. When there is uncertainty as to whether a member should be disqualified to act on a particular application, that member or another member of the Board may request the Board to vote on the question of disqualification. Any vote by the Board on the question of disqualification is advisory only and non-binding, per RSA 673:14, which states "Such a vote shall be advisory and non-binding, and may not be requested by persons other than board members, except as provided by local ordinance or by a procedural rule adopted under RSA 676:1."

Any such request shall be made before the Public Hearing gets under way. This disqualification shall be announced either by the Chairman or the member disqualifying him/herself before the beginning of the Public Hearing on the case. The disqualified member shall absent him/herself from the Board table during the Public Hearing and during all deliberation on the case.

5. Order of Business – The Order of Business for regular meetings follows:
(Note: This is a possible Order of Business. Matters are generally taken up to create an even flow of topics and work.)
Call to Order, Roll Call, Public Hearings/Preliminary Consultations,
Minutes, Administrative Business, Adjournment

APPLICATION/DECISION

All forms and revisions prescribed shall be adopted by resolution of the Board and shall become part of these Rules of Procedure.

A. Applications

1. Each application for a hearing before the Planning Board shall be completed using forms provided by the Board and obtainable at the Land Use Office or the Selectman's Office at the Fitzwilliam Town Hall.
2. The application shall be presented to the Administrative Assistant at the Town Hall to record the date of receipt and amount of fees received.
3. The Board shall hold a Public Hearing no later than thirty (30) days after it votes to accept an application as complete.

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4. Appeals to the Zoning Board of Adjustment from an Administrative Decision made by the Planning Board taken under RSA 676:5 shall be filed within thirty (30) days of the decision.

B. Public Notice

1. Notice of Public Hearings on each application shall be given in a newspaper of general circulation in Cheshire County acceptable to the Board and shall be posted in the Fitzwilliam Town Hall and in the Fitzwilliam Post Office at least ten (10) calendar days prior to the Hearing, excluding day of hearing & day of posting.
2. Notice of Public Hearings shall be sent to the applicant, all abutters and those property owners within 200' of the applicant's property by certified mail to be received at least 10 calendar days prior to the hearing excluding the day of the hearing and the day of posting.

C. Public Hearing

All meetings of the Board shall be open to the public. The conduct of the Public Hearings shall be governed by the following rules:

1. The Chairman shall call the Hearing in session, read the Application (Site Plan Review, Subdivision, Wetlands) and report on how public notice and personal notices were given.
2. Members of the Board and Alternates may ask questions during testimony.
3. Each person who appears shall state their name and address and indicate whether they are a party to, or an agent or counsel of a party to the case.
4. Any member of the Board, through the Chairman, may request any party to the case to speak again.
5. Any party to the case who wants to ask a question of another party must do so through the Chairman.
6. The applicant shall be called to present the application and those appearing in favor of the application shall be allowed to speak.
7. Those in opposition to the application shall be allowed to speak.
8. The applicant and those in favor shall be allowed to speak in rebuttal.

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9. Those in opposition to the application shall be allowed to speak in rebuttal.
10. The Planning Board will hear any evidence that pertains to the facts of the case or how the facts relate to the provisions of the Fitzwilliam Land Usage By-Laws and Maps and State Zoning Law.
11. The Chairman shall summarize. Opportunity shall be given for comments from the floor.
12. The Hearing on the application shall be closed and the Board will vote, or the Hearing will be continued to a date and time certain.
13. The Planning Board shall decide all cases within sixty-five (65) days of the acceptance of the completed application. An extension from the Board of Selectmen may be made under certain circumstances.
14. Notice of the decision will be made available for public inspection within 5 business days. If the application is denied, the notice shall include the reasons therefore.

RECORDS

The records of the Planning Board shall be kept by the Land Use Administrative Assistant and made available for public inspection at the Fitzwilliam Town Hall in accordance with statutory requirements.

1. The Planning Board shall issue a final written decision. If the application is not approved, the Board shall provide the applicant with written reasons for the disapproval. (RSA 676:3)
2. Whenever the Planning Board votes to approve or disapprove an application, the minutes of the meeting at which such vote is taken, including the written decision containing the reasons therefore, shall be placed on file in the Board's office and shall be made available for public inspection within 5 business days of such vote. (RSA 676:3)
3. Upon approval of the minutes of a meeting, the tapes of that meeting will be destroyed, in accordance with RSA 91-A:4.

AMENDMENTS

These Rules of procedure may be amended by a majority vote of the members of the Planning Board provided that such amendment is read at two (2) successive meetings immediately preceding the meeting at which the vote is to be taken.